IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1641 of 1989

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NIRANT PARK COOPERATIVE HSG. SOCIETY LTD. - Petitioner(s)

Versus

A'BAD URBAN DEVELOPMENT AUTHORITY & 1 - Respondent(s)

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Appearance :

MR UR GANDHI for Petitioner(s) : 1 - 2.MR BHARAT J SHELAT for Petitioner(s) : 1 - 2.MR AS VAKIL for Petitioner(s) : 1,MR SB VAKIL for Petitioner(s) : 1 - 2.
MR RR MARSHALL for Respondent(s) : 1,
MR MR MENGADE ASST GOVERNMENT PLEADER for Respondent(s) : 2 - 3.
RULE SERVED for Respondent(s) : 4,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 21/09/2005

ORAL JUDGMENT

1. In this petition under Articles 226 and 227 of the Constitution of India, the petitioner- society

has prayed for an appropriate writ, order or direction directing the respondent to extend time for completing construction pursuant to the applications dated 18.10.1988 and 15.12.1989. It is also further prayed to direct the respondents to forthwith sanction the building plans submitted by the members of the petitioner Society and further for not to demolish the construction if any. It is also further prayed to declare that there is no surplus land with the petitioner society taking into consideration the requirements of 51 members. The petitioner has also prayed for an appropriate writ, order or direction directing for grant of application dated 18.10.1988 for extension of time for completion construction for three years and further declaration that it is not necessary for the petitioner society to get the plans certified again from the competent authority since by order dated 7.5.1989 the same have already been certified. The sum and substance with regard to main prayers which are sought for as stated hereinabove in the present special civil application are under the provisions of the Urban Land (Ceiling and Regulation)

Act, 1976.

2. Shri M.R.Mengade, learned AGP has produced on record communication dated 5.9.2005 addressed by the competent authority and the Deputy Collector (Urban Land Ceiling), Ahmedabad addressed to him stating that in view of the status quo order granted by this Court, possession of the land in question is not taken over by the State Government and the same is still with the petitioner society and its members. The aforesaid communication tendered before this Court is directed to be taken on record. In that view of the matter, the proceedings arising out of the Urban Land Ceiling Act, are ordered to be abated.

3. So far as the dispute with regard to sanctioning of the plans, it is submitted that pursuant to the interim order dated 22.8.89, decision has been taken by the respondent No.1 – AUDA vide communication dated 26.10.1989 that the plans are approved after following conditions which are stated in the lay out plans which were approved on 5.11.1988. In that view

of matter, it appears that the said grievance also does not survive.

4. In view of the above, the present special civil application is disposed of accordingly with aforesaid observations.

Rule is discharged with no order as to costs.

[M.R.Shah, J.]

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